

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 266

HOUSE BILL 2313

AN ACT

AMENDING TITLE 42, CHAPTER 6, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 42-6109.01; PROVIDING FOR THE DELAYED CONDITIONAL REPEAL OF SECTION 42-6109.01, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT; RELATING TO COUNTY TAXES.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 42, chapter 6, article 3, Arizona Revised Statutes,
3 is amended by adding section 42-6109.01, to read:

4 42-6109.01. Jail facilities excise tax; maintenance of effort;
5 definitions

6 A. THE BOARD OF SUPERVISORS OF ANY COUNTY THAT LEVIES A JAIL
7 FACILITIES EXCISE TAX UNDER SECTION 42-6109, BY RESOLUTION ADOPTED BEFORE THE
8 EXPIRATION OF THAT TAX, MAY CALL FOR A COUNTYWIDE GENERAL ELECTION TO
9 AUTHORIZE THE LEVY OF A TRANSACTION PRIVILEGE TAX UNDER THIS SECTION, IN
10 ADDITION TO ALL OTHER TAXES. IF APPROVED BY THE QUALIFIED ELECTORS VOTING
11 AT THE COUNTYWIDE GENERAL ELECTION, THE COUNTY SHALL LEVY AND THE DEPARTMENT
12 SHALL COLLECT THE TAX AT RATES OF NOT MORE THAN 4.0 PER CENT OF THE
13 TRANSACTION PRIVILEGE TAX RATE PRESCRIBED BY SECTION 42-5010, SUBSECTION A
14 APPLYING TO EACH PERSON ENGAGING OR CONTINUING IN THE COUNTY IN A BUSINESS
15 TAXED UNDER CHAPTER 5, ARTICLE 1 OF THIS TITLE. BY RESOLUTION, THE BOARD OF
16 SUPERVISORS MAY DECREASE THE RATES OF THE TAX DURING THE TERM OF THE TAX.

17 B. THE RESOLUTION SHALL:

18 1. INCLUDE A STATEMENT OF THE TAXES THAT HAVE BEEN COLLECTED PURSUANT
19 TO SECTION 42-6109 AND AN ACCOUNTING OF HOW THOSE REVENUES HAVE BEEN EXPENDED
20 BY PROJECT, PROGRAM OR CATEGORY AUTHORIZED BY SECTION 42-6109.

21 2. INCLUDE A PROJECTION OF THE AMOUNT OF TAXES ANTICIPATED TO BE
22 COLLECTED ANNUALLY IF THE TAX LEVY UNDER SECTION 42-6109.01 IS APPROVED IN
23 THE COUNTYWIDE GENERAL ELECTION.

24 3. IDENTIFY THE PROJECTS, PROGRAMS AND CATEGORIES FOR WHICH
25 EXPENDITURES ARE CONTEMPLATED AND THE AMOUNT OF TAXES THAT ARE ESTIMATED TO
26 BE EXPENDED FOR EACH.

27 4. BE PRINTED IN THE BALLOT PROPOSITION PUBLICITY PAMPHLET WHICH WILL
28 BE MAILED TO EVERY HOUSEHOLD WITH A REGISTERED VOTER.

29 C. TAXES UNDER THIS SECTION SHALL BE LEVIED BEGINNING IN THE MONTH
30 FOLLOWING THE EXPIRATION OF THE TAX UNDER SECTION 42-6109 AND MAY CONTINUE
31 FOR NOT MORE THAN TWENTY YEARS AFTER THE DATE THE TAX COLLECTION BEGINS.

32 D. AT THE END OF EACH MONTH THE STATE TREASURER SHALL TRANSMIT THE NET
33 REVENUES COLLECTED PURSUANT TO THIS SECTION TO THE TREASURER OF THE COUNTY
34 LEVYING THE TAX. IF THE COUNTY THAT INITIALLY IMPOSES THE TAX UNDER THIS
35 SECTION IS DIVIDED INTO TWO OR MORE NEW COUNTIES DURING THE TERM OF THE TAX,
36 EACH NEW COUNTY SHALL CONTINUE TO IMPOSE THE TAX, BUT THE STATE TREASURER
37 SHALL TRANSMIT THE NET REVENUES COLLECTED WITHIN EACH COUNTY TO THAT COUNTY
38 AS DETERMINED PURSUANT TO SECTION 42-5034. THE COUNTY TREASURER SHALL
39 SEGREGATE ALL THE MONIES RECEIVED UNDER THIS SECTION FOR USE ONLY FOR THE
40 PURPOSES AUTHORIZED BY THIS SECTION. THE COUNTY TREASURER MAY DISBURSE
41 REVENUES FROM THE TAX ONLY TO:

42 1. FINANCE CONSTRUCTION OR RENOVATION OF ADULT AND JUVENILE JAIL
43 FACILITIES.

44 2. MAINTAIN AND OPERATE ADULT AND JUVENILE JAIL FACILITIES.

1 3. FUND THE FOLLOWING FOR THE PURPOSE OF REDUCING THE EXPENSE OF ADULT
2 AND JUVENILE JAIL FACILITIES:

- 3 (a) IMPLEMENTING AN INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM.
4 (b) DEVELOPING REGIONAL CENTERS FOR COURTS NOT OF RECORD.
5 (c) IMPLEMENTING DIFFERENTIATED CASE MANAGEMENT FOR CRIMINAL CASES IN
6 SUPERIOR COURT.
7 (d) CONSOLIDATING CRIMINAL DIVISIONS OF THE SUPERIOR COURT IN THE
8 COUNTY TO A COMMON LOCATION.
9 (e) EXPANDING PRETRIAL RELEASE SUPERVISION.
10 (f) IMPLEMENTING ELECTRONIC MONITORING OF PREADJUDICATED DEFENDANTS.
11 (g) ENHANCING SUBSTANCE ABUSE EVALUATION AND PROGRAMMING.
12 (h) INCREASING DRUG COURT ADMISSIONS TO INCLUDE PREADJUDICATED
13 DEFENDANTS AND EXPANDING DRUG COURT JURISDICTION.
14 (i) USING COMMUNITY BASED JUVENILE DETENTION AND POSTADJUDICATION
15 PROGRAMS.
16 (j) IMPLEMENTING OTHER PROGRAMS DESIGNED TO REDUCE THE EXPENSE OF
17 ADULT AND JUVENILE FACILITIES.

18 E. THE COUNTY SHALL MAINTAIN ITS SUPPORT OF ADULT AND JUVENILE JAIL
19 FACILITIES. IN THE FIRST FISCAL YEAR THE TAX IS LEVIED UNDER THIS SECTION
20 THE COUNTY SHALL PAY AN AMOUNT EQUAL TO THE AMOUNT PAID UNDER SECTION 42-6109
21 IN THE PRECEDING FISCAL YEAR, ADJUSTED BY THE PERCENTAGE CHANGE IN THE GDP
22 PRICE DEFLATOR FROM THE PRECEDING FISCAL YEAR. IN EACH FISCAL YEAR THE TAX
23 IS IMPOSED, THE COUNTY SHALL PAY AN AMOUNT EQUAL TO THE AMOUNT PAID UNDER
24 THIS SUBSECTION IN THE PRECEDING FISCAL YEAR, ADJUSTED BY THE PERCENTAGE
25 CHANGE IN THE GDP PRICE DEFLATOR FROM THE PRECEDING FISCAL YEAR. THE COUNTY
26 TREASURER SHALL TRANSFER THAT AMOUNT, WITHOUT FURTHER AUTHORIZATION, IN
27 TWELVE EQUAL MONTHLY INSTALLMENTS FROM THE COUNTY GENERAL FUND FOR THE USES
28 PRESCRIBED IN SUBSECTION D OF THIS SECTION.

29 F. FOR PURPOSES OF THIS SECTION:

30 1. "GDP PRICE DEFLATOR" HAS THE SAME MEANING PRESCRIBED BY SECTION
31 41-563.

32 2. "JAIL FACILITY" MEANS A JAIL OR OTHER PLACE OF DETENTION OF PERSONS
33 CHARGED WITH OR CONVICTED OF A CRIME OR OF PERSONS WHO ARE SUBJECT TO THE
34 JURISDICTION OF THE JUVENILE COURT, INCLUDING RELATED SUPPORT FACILITIES.

35 Sec. 2. Delayed conditional repeal

36 Section 42-6109.01, Arizona Revised Statutes, as added by this act, is
37 repealed on January 1, 2009 if, as of that date, no tax has been approved by
38 the qualified electors as provided by section 42-6109.01, subsection A,
39 Arizona Revised Statutes.

APPROVED BY THE GOVERNOR MAY 21, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 22, 2002.

Passed the House April 4, 2002,

by the following vote: 48 Ayes,

7 Nays, 5 Not Voting

[Signature]
Speaker of the House

Norman L. Spore
Chief Clerk of the House

Passed the Senate April 30, 2002

by the following vote: 18 Ayes,

10 Nays, 2 Not Voting

[Signature]
President of the Senate

Charmen Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

H.B. 2313

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

Secretary of State

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 16, 2002,

by the following vote: 34 Ayes,

23 Nays, 3 Not Voting


Speaker of the House

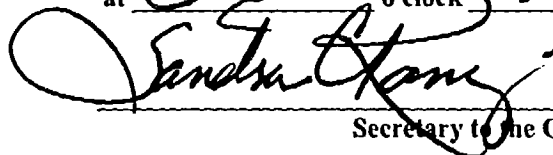
Norman L. Pryor
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

16 day of May, 2002

at 3:00 o'clock P M.


Secretary to the Governor

Approved this 21st day of

May, 2002,

at 12:55 o'clock P M.


Governor of Arizona

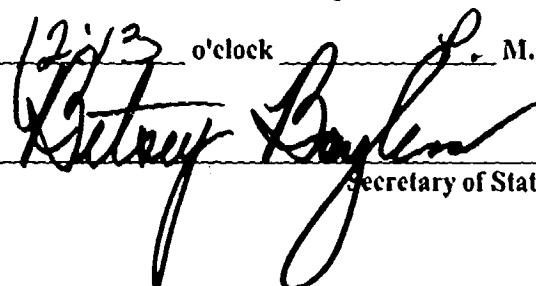
H.B. 2313

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 22 day of May, 2002,

at 12:13 o'clock P M.


Secretary of State